

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

KIRA GANTZ,

Plaintiff,

v.

BOB EVANS RESTAURANTS, LLC,

Defendant.

Civil Action 2:19-cv- 04170

Judge Algenon L. Marbley

Magistrate Judge Chelsey M. Vascura _____

RULE 26(f) REPORT

Pursuant to Federal Rule of Civil Procedure 26(f), a meeting was held on September 30, 2019 and was attended by:

James J. Hux, counsel for plaintiff(s) Kira Gantz _____,

Jocelyn M. Hoffman, counsel for defendant(s) Bob Evans Restaurants, LLC,

Jonathan Ross Vaughn, counsel for defendant(s) Bob Evans Restaurants, LLC,

Counsel represent that, during the meeting, they engaged in a meaningful attempt to meet and confer on the matters outlined below.

1. CONSENT TO MAGISTRATE JUDGE

Do the parties consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c)?

____ Yes **X** ____ No

2. INITIAL DISCLOSURES

Have the parties agreed to make initial disclosures?

X ____ Yes ____ No ____ The proceeding is exempt under Rule 26(a)(1)(B)

If yes, such initial disclosures shall be made by October 30, 2019.

3. VENUE AND JURISDICTION

Are there any contested issues related to venue or jurisdiction?

_____ Yes **X**_____ No

If yes, describe the issue:

If yes, the parties agree that any motion related to venue or jurisdiction shall be filed by _____.

4. PARTIES AND PLEADINGS

- a. The parties agree that any motion or stipulation to amend the pleadings or to join additional parties shall be filed by December 1, 2019.
- b. If the case is a class action, the parties agree that the motion for class certification shall be filed by _____.

5. MOTIONS

- a. Are there any pending motion(s)?

_____ Yes **X**_____ No

If yes, indicate which party filed the motion(s), and identify the motion(s) by name and docket number:

- b. Are the parties requesting expedited briefing on the pending motion(s)?

_____ Yes _____ No

If yes, identify the proposed expedited schedule:

Opposition to be filed by _____; Reply brief to be filed by _____.

6. ISSUES

Jointly provide a brief description of case, including causes of action set forth in the complaint, and indicate whether there is a jury demand:

Plaintiff Gantz alleges in her complaint that she was discriminated against by her former employer and its agents after she gave birth to a child. Gantz alleges the discrimination occurred by failing to provide her with an area to express breast milk in violation of the FLSA, gender discrimination/pregnancy discrimination, and retaliating against Gantz after she complained about discrimination. There are counts of FLSA violation, gender discrimination, and retaliation. Gantz

has also made a jury demand. Defendant denies all of Plaintiff's allegations.

7. DISCOVERY PROCEDURES

a. The parties agree that all discovery shall be completed by **June 30, 2020**. The parties to schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and to file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If the parties are unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court. To initiate a telephone conference, counsel are directed to join together on one line and then call the Magistrate Judge's chambers or provide the Court with a call -in number.

b. Do the parties anticipate the production of ESI? _____ Yes ☒ No

If yes, describe the protocol for such production:

c. Do the parties intend to seek a protective order or clawback agreement? **No**

If yes, such order or agreement shall be produced to the Court by _____.

8. DISPOSITIVE MOTIONS

a. Any dispositive motions shall be filed by **July 30, 2020**.

b. Are the parties requesting expedited briefing on dispositive motions?

_____ Yes ☒ No

If yes, identify the proposed expedited schedule:

Opposition to be filed by _____; Reply brief to be filed by _____.

9. EXPERT TESTIMONY

a. Primary expert reports must be produced by May 1, 2020.

b. Rebuttal expert reports must be produced by June 1, 2020.

10. SETTLEMENT

Plaintiff(s) will make a settlement demand by October 2, 2019. Defendant will respond by October 16, 2019. The parties agree to make a good faith effort to settle this case. The parties understand that this case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference. The Court refers cases to settlement throughout the year. The parties request the following month and year:

_____ July _____ 20__20__

In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the settlement conference. The parties understand that they will be expected to comply fully with the settlement conference orders which require, *inter alia*, that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

11. RULE 16 PRETRIAL CONFERENCE

Do the parties request a scheduling conference?

____ Yes, the parties would like a conference with the Court prior to it issuing a scheduling order. The parties request that the conference take place _____ in chambers _____ by telephone.

X No, a conference is not necessary; the Court may issue a scheduling order after considering this Report.

12. OTHER MATTERS

Indicate any other matters for the Court's consideration:

None at this time.

Signatures:

Attorney for Plaintiff(s):

s// James J. Hux _____
Counsel for _____
Kira Gantz
Bar #
0092992 _____

Counsel for _____
Bar #

Counsel for _____
Bar #

Date: _____

Attorney for Defendant(s):

s// Jonathan Ross Vaughn _____
Counsel for Bob Evans _____
Bar #
0022897 _____

s//Jocelyn M. Hoffman _____
Counsel for Bob Evans _____
Bar #
0092365 _____

Counsel for _____
Bar #
